

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

LOUISIANA MUNICIPAL POLICE)	
EMPLOYEES RETIREMENT SYSTEM,)	CASE NO. 1:10cv01461
)	
Plaintiffs,)	
)	JUDGE BENITA Y. PEARSON
v.)	
)	
KPMG, LLP., <i>et al.</i> ,)	
)	
Defendants.)	ORDER [Regarding ECF No. 179]

On November 8, 2013 Plaintiffs filed an unopposed Motion for Preliminary Approval of Class Action Settlement pursuant to [Fed. R. Civ. Pro. 23\(e\)](#). [ECF No. 179](#). The Court is satisfied with the reasons articulated in the motion as well the material submitted in support. *See* [ECF Nos. 179-1](#)(brief in support); [182 at 2-9](#)(Proposed Order); [182 at 11-33](#)(Exhibit A-1, Notice of Proposed Settlement); [182 at 35-47](#)(Exhibit A-2, Proof of Claim and Release); [182 at 50-52](#)(Exhibit A-3, Summary Notice); [181](#)(Proposed Stipulation of Settlement). Accordingly, the Court hereby issues the following orders:

1. The Court conditionally certifies a class of Plaintiffs pursuant to [Fed. R. Civ. Pro. 23\(b\)\(3\)](#) for the purpose of effectuating a settlement of claims against all Defendants.¹ For a class to be certified, the proposed group of litigants must satisfy the requirements of [Fed. R. Civ. Pro. 23\(a\)](#) and fall within one of the three subdivisions of [Fed. R. Civ. Pro. 23\(b\)](#). The Court

¹ Defendants are Diebold, Inc. (“Diebold”), Kevin J. Krakora, Gregory J. Geswein and KPMG, LLP (“KPMG”).

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finds that all of the requirements of Rule 23(a) are satisfied here and that certification is appropriate pursuant to Rule 23(b)(3).

2. In light of the above, the Court hereby certifies a Class, preliminarily and for settlement purposes only, defined as,

All Persons who purchased Diebold Publicly Traded Securities between June 30, 2005 and January 14, 2008, inclusive. Excluded from the Class are Defendants, members of the immediate families of Defendants, as well as the officers and directors of Diebold and KPMG during the Class Period, and members of their immediate families. Also excluded from the Class are those Persons who timely and validly request exclusion from the Class pursuant to the Notice of Proposed Settlement of Class Action.

3. The Court preliminarily approves the Proposed Stipulation of Settlement presented at [ECF No. 181](#).

4. The Court approves the Proposed Order Preliminarily Approving Settlement and Providing for Notice. [ECF No. 182](#). The Court approves the Settling Parties' Notice of Proposed Settlement (Exhibit A-1); Proof of Claim and Release (Exhibit A-2); and the Summary Notice (Exhibit A-3). [ECF No. 182 at 11-52](#). The Court approves the appointment of Gilardi & Co. LLC as Claims Administrator. The Court further directs the Claims Administrator to supervise and administer the notice procedure as more fully described in [ECF No. 182 at 4-5](#).

5. The Court schedules the following dates in accordance with the above:

Notice and Proof of Claim Mailed to Class	December 20, 2013 ("Notice Date")
Summary Notice to be Published	December 27, 2013

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Cutoff (i) for objecting to the Settlement, Plan of Allocation of Settlement proceeds and/or attorneys' fees and expenses, and (ii) for opting out of the Class	February 19, 2014
Cutoff for filing papers in support of final approval of the Settlement, Plan of Allocation of Settlement proceeds and request for an award of attorneys' fees and expenses	March 5, 2014
Cutoff for filing reply papers in response to objections	March 12, 2014
Final Approval Hearing	March 19, 2014 at 10:30 a.m.

The Final Approval Hearing will be held in Courtroom 351, United States Courthouse and Federal Building, 125 Market Street, Youngstown, Ohio.

IT IS SO ORDERED.

November 14, 2013
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge